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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,126	12/12/2001	Hans-Olof Backlund	LAGROTH-028	1520

7590

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EXAMINER

MARTIR, LILYBETT

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,126

Applicant(s)

BACKLUND ET AL.

Examiner

Lilybett Martir

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 16-21 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 15, 22, 23, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14, 16-21 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson (Pat. 6,314,381).

- With respect to claims 14 and 17, Johansson teaches utilizing at least one measuring member as are elements 78,80,82,84,86,88,90 and 92 disposed on a refiner surface as is element 75, including a measuring surface including at least a portion of a plurality of refiner bars as are elements 70 (See Figure 6), and resilient mounting means as the ones depicted in Figures 5-7.
- With respect to claim 16, Johansson teaches calculating the size and distribution of the output transferred to material passing through said refining gap and employing said calculations to control the refining process (Col. 17, lines 21-32).
- With respect to claim 18, Johansson teaches utilizing a plurality of measuring member as are elements 78,80,82,84,86,88,90 and 92.

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- With respect to claim 19, Johannson teaches the utilization of a force sensor as are elements 78,80,82,84,86,88,90 and 92 and a measuring body as is element 132 as depicted in Figure 4 (Col. 12, lines 15-28).
- With respect to claim 20, Johannson teaches the sensor as in elements 78,80,82,84,86,88,90 and 92 being in abutment or adjacent said measuring body (Col. 9, lines 32-34).
- With respect to claim 21, Johannson teaches resilient mounting means as depicted in Figures 5-7 journaling the measuring surface.
- With respect to claim 24, Johannson teaches the utilization of a force sensor which comprises a piezoelectric sensor as in elements 78,80,82,84,86,88,90 and 92 (Col. 12, lines 15-24).
- With respect to claim 25, Johannson teaches resiliient mounting means comprising a sealing member as in element 114 (Col. 7-8, lines 64-11).
- With respect to claim 26, Johannson teaches a sealing member as in element 114 (Col. 7-8, lines 64-11), which is yieldable.

***Allowable Subject Matter***

3. Claims 15, 22-23 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, or if the limitations on said claims are inserted in the base claim including all of the limitations of the base claim and any intervening claims.

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***Citation of Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art considered pertinent during examination of the examined application is:

- Johansson et al. (Pat. 5,747,707) Measuring device for refiners.
- Malkin et al. (Pat. 6,602,109) Grinding wheel system.
- Johansson et al. (Pat. 6,502,774) Refiner disk sensor and sensor refiner disk.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 9:00 AM to 5:30 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (703)305-4816. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3432 for After Final communications.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

*CM*

Lilybett Martir  
Examiner  
Art Unit 2855

*ELM*

August 7, 2003

*Edward Lefkowitz*  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
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